S.B. CIVIL WRIT PETITION NO.2497/2002
Heera Ram
vs
State of Rajasthan & Anr.

DATE OF ORDER:10.5.2006

HON'BLE MR.R.C. GANDHI, J.

Mr.Dhirendra Singh, for the petitioner.
Mr.OP Boob, Dy.GA, for the respondent-State

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(ORAL)

Heard learned counsel for the parties.

This petition has been presented by the elected member of Gram Panchayat Kawatara, Panchayat Samiti Bhinmal, District Jalore stating therein that there are two schools in the village Jetu at places known as Sadlanadi and Girdharnadi. In Sadlanadi, one Guman Singh, Shisha Shayogi has been posted but the other school is not having any Shisha Shayogi despite the children are available.

The grievance of the petitioner is that since there are two Shisha Shayogis in Sadlanadi school, created under Rajiv Gandhi Swaran Jayanti Pathashala Scheme and one of them may be transferred and posted to Girdharnadi school.

The grievance of the petitioner is innocuous and in public interest. The transfer and posting is not within the purview and jurisdiction of the court. However, the competent authority must see and ensure that if Shik Shashayogi can be made available by

adjustment or transfer, immediate arrangement should be made so that the students may not suffer and the scheme is implemented in its letter and spirit. There is no purpose of keeping the school without teacher or to post two teachers in one school depriving to students of the services of a teacher in the other school.

The petition is accordingly disposed of directing the BDO or the competent authority who has jurisdiction to appoint or transfer Shiksha Shayogi from one school to another school within the parameters of the scheme, to appoint or adjust by transfer a Shiksha Shayogi to run the school situated at Girdharnadi. The petitioner shall serve this order of the court to the concerned competent authority who will pass appropriate order within 15 days and if it is not convenient to post a Shiksha Shayogi, the said authority will pass speaking order.

(R.C. Gandhi), J.

c.p.goyal/-